

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMY CHRISTINE SMART,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. C20-737 RAJ

**ORDER GRANTING MOTION  
FOR EXTENSION OF TIME TO  
FILE ANSWER**

This matter is before the Court on the Commissioner's motion for a third 28-day extension of time to file the answer/Administrative Record (AR), based on delays that office shutdowns during the COVID-19 pandemic have caused in obtaining written transcripts of the administrative hearing. Dkt. 14. Plaintiff opposes the motion and requests the Court order the Commissioner to file the AR within 14 days or, if still unavailable, "file a status report detailing the specific status of the preparation of this administrative record, the specific steps being taken to expedite the completion of this administrative record, and a clear deadline by which the record will be filed." Dkt. 16 at 3.

Having considered the Commissioner's motion and supporting declarations, as

1 well as Plaintiff's opposition, the Court finds good cause to grant a third 28-day  
2 extension of the time in which to file the AR in this matter. A declaration by the  
3 executive director of the Commissioner's Office of Appellate Operations, which prepares  
4 the AR, explains that the Office is having difficulties obtaining sufficient transcription  
5 capacity to prepare hearing transcripts and, while the agency has created new procedures  
6 to obtain hearing transcripts while working remotely, the process is still "not sufficient to  
7 meet the agency's workload." Dkt. 12-1 at 2. And a declaration by the chief of court  
8 case preparation and review explains the Office prioritizes the oldest pending cases. Dkt.  
9 9-1 at 4. This is good cause to grant the request for additional time.

11 The Court has reviewed Plaintiff's arguments to the contrary and does not find  
12 them persuasive. Plaintiff's claim that there is "little to no evidence of any adaptive  
13 efforts by the Commissioner to adjust" to office closures is belied by the declarations in  
14 the record. *See* Dkt. 12-1, 9-1. Plaintiff asserts she and her husband face financial  
15 difficulties. Dkt. 16 at 1-2. Although the Court is sensitive to the difficulties caused by  
16 the delay of months in this matter, unfortunately most people waiting for the filing of the  
17 AR in their cases are in a similar predicament. Indeed, the Court is aware of cases in  
18 which the AR has been outstanding for even longer—and the Court is reluctant to disrupt  
19 the preparation of those ARs to prioritize the filing of this one.

21 Although the Court finds good cause for a third extension, the Court agrees with  
22 Plaintiff that if there is further delay, she is entitled to a specific accounting of where in  
23 the process her hearing transcript is and an estimate of when the AR will likely be filed.

1 Therefore, the Court extends the deadline to file the AR to October 13, 2020. If  
2 the AR is ready before this date, the Commissioner shall file it promptly. If the AR is not  
3 ready by this date, the Commissioner may move for another extension but should provide  
4 a specific accounting of the status of the matter, including the status of the hearing  
5 transcript, and an estimate of when the AR shall be filed.

6 DATED this 15th day of September, 2020.

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9 The Honorable Richard A. Jones  
10 United States District Judge  
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